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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ANIBAL RODRIGUEZ, et al.,

Plaintiff,

vs.

GOOGLE LLC, et al.,

Defendants.

James Attridge in behalf of himself and all
others similarly situated

Plaintiffs,

vs.

GOOGLE LLC, ALPHABET, INC.,

Defendants.

Case No: 1:20-cv-04688-RS

**ADMINISTRATIVE MOTION TO CONSIDER
WHETHER CASES SHOULD BE RELATED**

Judge: Honorable Richard Seeborg
Courtroom: 3 - 17th Floor

Case No: 3:25-CV-2775-NW

CLASS ACTION

JURY TRIAL DEMANDED

The *Attridge* Plaintiff and putative class of All End Users of Google's general search services bring this ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED pursuant to Local Rule 3-12.

1. Newly filed *Attridge v. Google LLC*, Case no. 3:25-cv-02775-NW and *Rodriguez et al. v. Google LLC*, Case no. 1:20-cv-04688-RS, both pending in the Northern District of California, meet the definition of "Related Cases" in Local Rule 3-12(a) in that they (1) "concern substantially the same parties, property, transactions or events," i.e. Google's interception and collection of

1 valuable data from Google users that Google resells to advertisers and others for billions of dollars,
 2 enabling the targeting of users with advertisements; and (2) “It appears likely that there will be an
 3 unduly burdensome duplication of labor, and expense or conflicting results if the cases are
 4 conducted before different Judges.”

5 Local Rule 3-12(b) calls for the filing of this Administrative Motion To Consider Whether
 6 Cases Should Be Related in the lowest-numbered case, which is *Rodriguez v. Google LLC*.

7 2. **Substantially The Same Transactions: Both *Rodriguez* and *Attridge* Are Class**
 8 **Actions By Users Of Google Search That Allege That Google Has Used Its**
 9 **Monopoly Power To Violate The Rights Of Users By Extracting And Collecting**
 10 **Users’ Valuable Data From Their Google Searches And Reselling It To**
 11 **Advertisers For Billions Of Dollars**

12 Both the *Rodriguez* and *Attridge* cases are class actions brought against Google LLC by
 13 Google users that allege that Google uses its monopoly power to violate the rights of users by
 14 extracting and collecting users’ valuable data that Google resells to its advertisers for billions.

15 The *Rodriguez* Fourth Amended Complaint (“FAC”) (Dkt No. 289) alleges that: “**Google**
 16 **Acted Without Consent To Intercept And Collect User Data to Maintain And Extend Its**
 17 **Monopolies,”** (*Rodriguez* ¶184) and alleges: “**Google’s ongoing efforts to unlawfully maintain**
 18 **and extend its monopoly power in search** and other markets (*Rodriguez* ¶184)...**Over 90%** of the
 19 U.S. population uses Google to conduct web searches...(*Rodriguez* ¶185)...**Google’s dominance** is
 20 tied to and based in part on Google’s massive advertising business. (*Rodriguez* ¶186)...By
 21 embedding its tracking code through Google Analytics, Google has been able to intercept, track,
 22 collect, take, compile, and use a staggering amount of consumer data, far more than any company in
 23 the world (*Rodriguez* ¶188)...One way Google sought to **maintain and extend its dominance** was
 24 with its acquisition of the Android operating system (OS); its subsequent development of Android;
 25 and its push to cause mobile device manufacturers to adopt Android on their devices. (*Rodriguez*
 26 ¶196)...Google used its **monopoly power** to require phone manufacturers and app developers to
 27 incorporate Google’s various products that reinforce Google search (*Rodriguez* ¶198)...enabling
 28 synchronization across Apple’s iOS, Android and web devices.” (Emphasis supplied).

The *Attridge* action likewise alleges that Google extracted End-users’ data and re-sold it
 to advertisers, pursuant to Google’s monopoly in violation of Sections 1 & 2 of the Sherman Act by

1 making agreements with its distributors, Apple and the Android parties, that are exclusive and
 2 have anticompetitive effects. The plausibility of *Attridge*'s allegations is supported by the
 3 findings of Judge Mehta that Google has monopoly power in the general search services and
 4 general search text ads markets and that Google's distribution agreements are exclusive and
 5 anticompetitive in violation of Section 2 of the Sherman Act, in his 286-page Memorandum and
 6 Opinion ("MO") in *United States v. Google* (2020), Case No. 20-cv-3010 (APM) Dkt. No. 1033
 7 at pp. 3-4 in the U.S. District Court for the District of Columbia,¹ after a nine-week trial. Thus,
 8 Both *Rodriguez* and *Attridge* allege the same evidence in support of the allegations that Google
 9 used its monopoly power to violate the rights of users of Google search when it extracted users'
 10 valuable data from their Google searches and resold it to advertisers for billions of dollars.
 11 *Rodriguez* at ¶¶ 1-17; *Attridge* at ¶¶ 1, 8, 32-35 etc.

12 3. Substantially The Same Parties

13 Both *Rodriguez* and *Attridge* are brought against Google in behalf of classes of users of
 14 Google general search services. *Rodriguez* is brought in behalf of two classes of users of Google
 15 search services 'who turned off Web & App Activity and whose mobile app activity was still
 16 transmitted to Google,' who intercepted and collected the users' data. *Rodriguez* ¶249. *Attridge*
 17 alleges a class of: "All End-Users, including consumers and business End Users in the United
 18 States, who used Google's general search services for their own end use since January 1, 2015 to
 19 and including the filing of this Complaint ("the Class Period")." (*Attridge* at ¶7.) Thus, both
 20 *Rodriguez* and *Attridge* assert claims in behalf of classes of users of Google general search
 21 services.

22 4. Both *Rodriguez* And *Attridge* Allege Google's Code For Extracting Users' Data

23 The *Rodriguez* Fourth Amended Complaint ("FAC"), Dkt. No. 289, alleges that Google
 24 employs a Google Tracking and Advertising Code to intercept and collect user's data and create
 25 users' profiles that enable the targeting of advertisements to users. (¶¶ 137-161). "Google's targeted
 26

27 ¹ The *Attridge* complaint also alleges Google's violations of the California Unfair Competition Law
 28 ("UCL") and Unjust Enrichment.

1 advertisements are more effective and therefore Google can charge advertisers more for these
2 services.” (*Rodriguez* ¶¶142-144).

3 The *Attridge* action adopts the allegations in *Brown v. Google, LLC*, 4:20-cv-3664-YGR Dkt.
4 No. 969 at pp.2-3, that Google requires website developers to embed its code onto their websites
5 which interact with users’ browsers to access the web as follows:

6 “**Data Collection...** At the same time, *the user’s browser reads Google’s code,*
7 *which is embedded on the website. (Id.) Google’s code instructs the user’s browser*
8 *to send a second and concurrent transmission directly to Google. (Id.) This second*
9 *transmission tells Google exactly what a user’s browser communicated to the*
10 *website. (Id.)...By selling user’s information, Google prevents users from*
11 *monetizing their own data.” (Attridge, ¶45.)*

12 Thus, both cases allege that users’ data is collected by Google through Google’s code that
13 interacts with users’ browsers through which queries are entered to Google’s general search engine.

14 5. Both *Rodriguez* and *Attridge* Contain The Same Allegations That Users’ Data Is 15 Highly Valuable That Supports Standing

16 *Rodriguez* alleges “The information Google has collected and saved from users...is highly
17 valuable to Google, to other technology and advertising companies, and to users” (*Rodriguez* ¶162)
18 and alleges the data is valuable to class members (*Rodriguez* ¶¶165-166); valuable to Google with a
19 quantifiable value (*Rodriguez* ¶¶167-173); valuable to other internet firms (*Rodriguez* ¶¶174-178),
20 and there is value in class members keeping their data private. (*Rodriguez* ¶¶179-183). *Attridge*
21 makes these same allegations with the same supporting authorities. (*Attridge* ¶¶183-234).

22 6. Both *Rodriguez* and *Attridge* Allege Standing On Harms Actionable At Common 23 Law

24 In *Rodriguez*, 20-cv-04688-RS, Dkt. No. 445 at 12:23-13:19, this court denied Google’s
25 motion for summary judgment with respect to Article III harm, stating: “In *TransUnion LLC v.*
26 *Ramirez*, 594 U.S. 413 (2021), the Supreme Court held that, for purposes of Article III standing,
27 “only those plaintiffs who have been *concretely harmed* by a defendant’s statutory violation may sue
28 that private defendant over that violation in federal court.” *Id.* at 427 (Emphasis in original). The
Court also noted that “[c]entral to assessing concreteness is whether the asserted harm has a close
relationship to a harm traditionally recognized as providing a basis for lawsuits in American courts

1 *Id.* at 417 (internal quotations omitted); *Facebook Tracking*, 956 F.3d at 598 (“[V]iolations of the
2 right to privacy have long been actionable at common law.”).”

3 Just as *Rodriguez*’s privacy claims have long been actionable at common law. *Attridge*’s
4 antitrust claims are modeled on common law claims that trace their origins to the English common
5 law that pre-date the Sherman Act. The British *Case of the Monopolies*, 77 Eng. Rep. 1260 (1602),
6 cited by the U.S. Supreme Court² established the principle that monopolies are against the common
7 law and improper and void. Thus, both *Rodriguez* and *Attridge* allege harms that have long been
8 actionable at common law that support standing.

9 Moreover, because users “retained a stake in the profits” garnered from Google’s sale of their
10 data, plaintiffs in both cases claim disgorgement, since “as between the two [parties], it is unjust for
11 [Google] to retain it. *In re Facebook, Inc. Internet Tracking Litigation*, No. 17-17486 at pp.15-16,
12 956 F.3d 589 (9th Cir. 2020).”

13 CONCLUSION

14 The *Attridge* and *Rodriguez* cases contain “substantially the same parties, data, property,
15 search and advertising transactions and events.” With this amount of overlap between the two cases,
16 “[i]t appears likely there will be an unduly burdensome duplication of labor and expense or
17 conflicting results if the cases are conducted before different Judges,” as stated in Local Rule 3-12.
18 The *Attridge* Plaintiff respectfully requests that the Court enter an Order that the *Attridge* and
19 *Rodriguez* cases are Related Cases pursuant to Local Rule 3-12.

20 Dated: April 28, 2025

21 By: /s/ Lingel H. Winters
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22 *Attorneys for Plaintiff*
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24

25 ² In *Sears Roebuck & Co. v. Stiffel Co.*, 376 U.S. 225, 229 (1969), the Court stated: “Patents are not
26 given as favors, as was the case of monopolies given by the Tudor monarchs, *see The Case of*
27 *Monopolies (Darcy v. Allein)*, 11 Co.Rep. 84b, 77 Eng.Rep. 1260 (K.B.1602), but are meant to
28 encourage invention by rewarding the inventor with the right, limited to a term of years fixed by the
patent, to exclude others from the use of his invention.”